

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 3:05-CR-147-A
)	
DANNY JOE MCCART)	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Danny Joe McCart, through undersigned counsel and pursuant to 18 U.S.C. §3161(h)(8)(a), and files this Unopposed Motion to Continue Trial, requesting that the Court find that the ends of justice would be served by granting a continuance of the trial of this case from the August 29, 2005 trial docket to the December 5, 2005 trial docket.

In support of this motion, Mr. McCart states the following:

1. Mr. McCart was served with this indictment approximately three weeks ago. Mr. McCart lives in Columbus, Georgia and is dependent on others to provide transportation. He has only been able to meet once with counsel in Montgomery since his arraignment. Mr. McCart appears to have some intellectual deficit, which has made communication difficult and which requires further investigation. As a result, undersigned counsel has neither had an opportunity to thoroughly discuss this case with Mr. McCart, nor to complete a through investigation of the case.
2. Government counsel does not oppose this motion.
3. Mr. McCart has executed a speedy trial waiver, agreeing, if the Court permits,

to the trial of this matter being scheduled on the December 2005 criminal trial docket.

WHEREFORE, Defendant respectfully prays that this Unopposed Motion to Continue Trial be granted.

Respectfully submitted,

s/Christine A. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Kent B. Brunson, Esquire, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36104.

s/Christine A. Freeman
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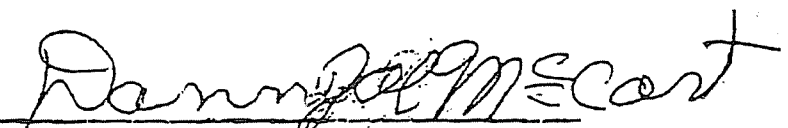
v.)

DANNY JOE MCCART)

CASE NO: 3:03-CR-147-A

WAIVER OF RIGHT TO SPEEDY TRIAL

The undersigned Defendant, Danny Joe McCart, after being first advised of his right to a speedy trial as guaranteed him by the Sixth Amendment of the United States Constitution and the implementation of said right in 18 U.S.C. § 3161, hereby waives his right to a speedy trial as to the August 29, 2005 trial docket and agrees to a trial setting on the trial term of court commencing in December 2005 or at a later date.


DANNY JOE MCCART

8-11-05
DATE